

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ZACKARY ELLIS SANDERS,

Defendant.

Case No. 1:20-cr-00143
The Honorable Judge Ellis

Pretrial Conference: Apr. 9, 2021
Trial Date: Apr. 26, 2021

MOTION TO MODIFY PROTECTIVE ORDER

Mr. Zackary Ellis Sanders, by and through undersigned counsel, respectfully moves the Court for an order modifying the April 27, 2020 Protective Order (ECF No. 28). The motion to modify is made pursuant to the Fifth and Sixth Amendments and is supported by a Memorandum in Support of Motion to Modify.

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on this 20th day of January 2021, the foregoing was served electronically on the counsel of record through the U.S. District Court for the Eastern District of Virginia Electronic Document Filing System (ECF) and the document is available on the ECF system.

/s/ Jonathan Jeffress

Jonathan Jeffress

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[PROPOSED] MODIFIED PROTECTIVE ORDER

This matter, having come to the Court's attention on Mr. Zackary Ellis Sanders's Motion to Modify the Protective Order ("Motion"), and the Court, having considered the Motion and any opposition thereto, and being fully advised in this matter, hereby enters the following MODIFIED PROTECTIVE ORDER:

1. The Court's April 27, 2020 Protective Order (ECF No. 28) shall remain in effect, subject to the modifications contained in this Order. The April 27 Protective Order and this Order govern all discovery material in any format (written or electronic) that is produced by the Government in discovery in the above captioned case ("Protected Material").
2. As set forth in the April 27 Protective Order, possession of copies of the Protected Material is limited to the attorneys of record, and investigators, paralegals, law clerks, experts and assistants for the attorneys of record (hereinafter collectively referred to as members of "the defense team"), subject to the following revisions and additions.
3. Mr. Sanders's counsel may share copies of all pleadings and discovery material related to the basis for and application for the search warrant with other defense teams that are

representing clients who have been charged as a result of the same investigation, *i.e.* an investigation stemming from a Foreign Law Enforcement Agency's tip to the Federal Bureau of Investigation that defendants accessed "online child sexual abuse and exploitation material, with an explicit focus on the facilitation of sharing child abuse material (images, links and videos)," and where "[u]sers were required to create an account (username and password) in order to access the majority of the material," ECF No. 122 at 2, and/or were identified as having accessed the Target Website, "an online bulletin board dedicated to the advertisement and distribution of child pornography that operated from approximately 2016 to June 2019," ECF No. 122 at 2. The defense teams in other cases are subject to this Modified Protective Order and any separate protective orders or other discovery restrictions and sealing orders that have been entered in their individual cases.

4. Mr. Sanders's counsel may also share copies of all pleadings and discovery material related to the basis for and application for the search warrant with public interest organizations that intend to file amicus briefs or expert affidavits, subject to the following restrictions:

- a. The public interest organization shall not circulate or disclose copies of sealed pleadings or discovery material to parties that are not employees or agents of the organization;
- b. The public interest organization shall not disclose the actual name of the "Target Website," the operations, or the foreign law enforcement agency to parties that are not employees or agents of the organization, and shall refer to the site as the "Target Website," the operation as the "Operation,"

or “Operation II,” and the foreign law enforcement agency as the “Foreign Law Enforcement Agency” in all public filings;

- c. The restrictions in this Order do not apply to any information or material that the organization has independently obtained from other sources.
 - d. Mr. Sanders’s counsel shall provide a copy of this order to the public interest organization, and the public interest organization agrees, through an authorized representative, to comply with this Order.
5. The restrictions in this Order do not apply to any information or material that Mr. Sanders independently obtained from other sources. Nor should this Order be read to impose restrictions that would force the defense to violate its ethical duties or its obligations under the Sixth Amendment.
6. The remaining provisions of the Court’s April 27 Protective Order shall remain in effect.

SO ORDERED.

The Hon. Judge Ellis
United States District Judge

Date